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A LIMITED LIABILITY PARTNERSHIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Scott R. Baerson
Damian J. Rodriguez
Gregory R. Heck

Prior Group Art Unit: 1638

Prior Application Examiner: David H. Kruse

Serial No.:

Atty. Dkt. No.: 11898.0019.DVUS02
(MOBS:019-2)

Confirmation No.:

Client File No.: 38-21(51746)C

Filed:

For: METHODS FOR MAKING PLANTS TOLERANT
TO GLYPHOSATE AND COMPOSITIONS
THEREOF

REQUEST FOR FILING DIVISIONAL APPLICATION
UNDER 37 CFR 1.53(b)

BOX PATENT APPLICATION

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL

NUMBER EV 317621041 US

DATE OF DEPOSIT March 17, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Barbi Sofia
Signature

This is a request for filing a divisional application under Rule 53(b) (37 CFR 1.53(b)) of co-pending prior application Serial No. 09/800,130 filed on March 6, 2001 entitled "METHODS FOR MAKING PLANTS TOLERANT TO GLYPHOSATE AND COMPOSITIONS THEREOF".



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- ☒ Enclosed is a true copy of the prior application as originally filed, including specification, claims, drawings, and declaration. The copy of the papers of prior application as filed which are attached are as follows:

- ☒ 64 page(s) of specification
- ☒ 3 page(s) of claims
- ☒ 1 page(s) of abstract
- ☒ 10 page(s) of drawing
- ☒ 3 page(s) of declaration

- ☒ The inventor(s) of the invention being claimed in this application is(are):

Scott R. Baerson, Damian J. Rodriguez, and Gregory R. Heck.

- ☐ This application is being filed by less than all the inventors named in the parent application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- ☒ Please cancel in this application claims 1-3, 6-23, and 26 of the prior application before calculating the filing fee.
- ☒ Enclosed is a preliminary amendment. The fee has been calculated after the cancellation of claims in the application as filed and after amendment of claims by the preliminary amendment.
- ☒ Please amend the specification by inserting before the first line the sentence: --This application is a divisional of co-pending application Serial No. 09/800,130 filed March 6, 2001, which claims benefit of priority from U.S. Provisional Patent Application No. 60/188,093, filed March 9, 2000. --.



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CALCULATION OF FILING FEE:

The filing fee as calculated below, takes into account any cancellation of claims and the fee for any new claims added by the Preliminary Amendment referred to above.

			Other than Small Entity	
Total Claims	4 - 20	= 0	x \$	= \$
Independent Claims	3 - 3	= 0	x \$	= \$
First Multiply Dependent Claim Presented			+ \$	= \$
Basic Fee			+ \$ 770.00	= \$ 770.00
TOTAL = \$ 770.00				

The Commissioner is authorized to charge the above filing fee and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 01-2508, Order No. 11898.0019.DVUS02. An additional copy of this sheet is enclosed for this purpose.

- ☐ Applicant is entitled to Small Entity Status for this application.
- ☐ A Statement of Small Entity Status was established in the prior application and is claimed in the present application.
- ☐ Small Entity Status is hereby claimed in this application.

- ☒ The prior application is presently assigned to Monsanto Technology LLC.
- ☐ A copy of the recorded assignment is attached.
- ☒ A statement under 37 CFR 3.73(b) has been filed in the parent application. A copy of this statement as filed in the parent application is attached.

- ☒ The power of attorney in the prior application is to Monsanto Technology LLC.
- ☐ The Power of Attorney appears in the original papers of the prior application.



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- ☒ Because the current power does not appear in the original papers, a copy of the Power of Attorney in the prior application filed on January 17, 2003 is enclosed.
- ☐ A newly executed Power of Attorney is enclosed.

Please associate this application with and address all correspondence to:

Customer Number 23369,

HOWREY SIMON ARNOLD & WHITE LLP
750 Bering Drive
Houston, Texas 77057

Please address all telephone calls to: Ron Laby, Patent Agent, at 713 787 1400.

Please address all e-mail to: houstondocketing@howrey.com

- ☒ The Commissioner is specifically requested to make the Information Disclosure Statement, as well as any prior art of record in the prior application(s), of record in connection with this application.
- ☒ An Information Disclosure Statement including FORM 1449 is submitted with this paper

- ☒ Other Items: Formal Drawings (14 sheets); Transmittal for Formal Drawings; Sequence Listing updated to PatentIn 3.2; Computer Readable form of Sequence Listing updated to PatentIn 3.2; Statements under 37 C.F.R. 1.821 and 1.825.

The undersigned representative requests for any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11898.0019.DVUS02.



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In order to facilitate the resolution of any issues or questions presented by this paper, Applicants respectfully request that the Examiner directly contact the undersigned by telephone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Laby". The signature is fluid and cursive, with the first name "Ron" and last name "Laby" clearly distinguishable.

Howrey Simon Arnold & White, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400

Ron Laby
Reg. No. 53,173
Agent For Assignee,
MONSANTO TECHNOLOGY LLC

Date: March 17, 2004

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TRANSMITTAL OF FORMAL DRAWINGS

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Barbi Sofia
Signature

Enclosed please find 14 sheets of formal drawings for the above referenced patent application. Each sheet of drawing includes the identifying indicia suggested in 37 C.F.R. § 1.84(c) within the top margin of each drawing sheet.

The undersigned representative authorizes the Commissioner to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 11899.0019.DVUS02.



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Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Ron Laby'.

Ron Laby
Reg. No. 53, 173
Agent for Assignee
MONSANTO TECHNOLOGY LLC

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Date: March 17, 2004